

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 1:30 P.M. Present: Honorable James A. Ardaiz, Presiding Justice; Honorable Steven M. Vartabedian, Associate Justice; Honorable Thomas A. Harris, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Yolanda I. Grigsby, Deputy Clerk.

F025765 **Fresno Police Officers Assoc. et al. v. City of Fresno et al.**
F026444

Cause called and argued by Christopher D. Burdick, Esq. and Rosemary J. Springer, Esq., counsel for appellant and by Howard A. Sagaser, Esq. and Kimberly A. Gaab, Esq., counsel for respondent.

Cause ordered submitted.

F027722 **Newcity Corporation v. Kaufman and Broad Home Corporation**

Cause called and argued by Beth Maxwell Stratton, Esq., counsel for appellant and by Jeffrey J. Lederman, Esq., counsel for appellant.

Cause ordered submitted.

Court recessed until Monday, January 11, 1999 at 10:00 A.M.

F031262 **In re DeShawn D., a Minor**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F027389 **Sorey, et al. v. Bennett**

The judgment is affirmed. Stone (W.A.), Acting P.J.

We concur: Vartabedian, J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F029349 **People v. Carrillo**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

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F027913 People v. Lopez, Jr.

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F028029 People v. Carranza

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F029905 People v. Aguilera

The judgment is affirmed with modifications.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F028455 Hieronymus et al. v. Hieronymus-Avelar et al.

The judgment is reversed. Costs to appellants. Stone (W.A.), Acting P.J.

We concur: Vartabedian, J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F032151 Deborah M. v. The Superior Court of Stanislaus County; Stanislaus County
Department of Social Services**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

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F027891 People v. McGee
F028090 People v. Fresno County Superior Court; Billy Wayne McGee

The judgment of conviction is affirmed. The sentence is reversed and the case is remanded to the superior court to vacate the order striking the prior serious felony convictions and to proceed in accordance with the views expressed in this opinion. If, after considering the appropriate facts, the court declines to strike one or both prior convictions, appellant shall be afforded the opportunity to withdraw his plea of no contest, and the matter shall proceed to trial. If the court again strikes both prior convictions, the court shall resentence appellant and enter a new judgment.

The previous order consolidatiing the proceedings on petition for writ of mandate is vacated and set aside. The writ proceedings will remain pending until the opinion in this appeal becomes final and until further order.

Stone (W.A.), Acting P.J.

We concur: Vartabedian, J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F028478 The People v. Zuniga

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F029889 In re John E., a Minor

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F027845 People v. Mosqueda
F030305 In re Ivan Cesar Mosqueda on Habeas Corpus

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

IN THE

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F027906 County of Fresno v. Jesse Edward Ruby

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F027406 People v. Garcia

The judgment is affirmed. Ardaiz, P.J.

We concur: Dibiaso, J.; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F027829 People v. Hawkins

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

**F031981 David G., et al. v. The Superior Court of Kern County; Kern County
Department of Human Services**

The writ petitions are denied. Our decision is final forthwith as to this court.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F030579 In re David L., et al. Minors

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.